

PETITION UNDER 28 USC § 2254 FOR WRIT OF

HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District MASSACHUSETTS	OFFICE
Name KEVIN NORRIS		Prisoner No. W-52945	Case No. 05-11353-MLW
Place of Confinement NORTH CENTRAL CORRECTION INSTITUTION 500 COLONY ROAD, P.O. Box 466 GARDNER, MA 01440			
Name of Petitioner (include name under which convicted) KEVIN NORRIS		Name of Respondent (authorized person having custody of petitioner) STEVEN O'BREIN, SUPERINTENDENT V. & THOMAS F. REILLY	
The Attorney General of the State of: MASSACHUSETTS			

05-11353-MLW

PETITION

1. Name and location of court which entered the judgment of conviction under attack SUFFOLK SUPERIOR COURT, BOSTON, MASSACHUSETTS

2. Date of judgment of conviction JULY 17, 1992

3. Length of sentence 25-40 YEARS

4. Nature of offense involved (all counts) (3) COUNTS OF AGGRAVATED RAPE, (2) COUNTS OF ARMED ROBBERY, (1) COUNT OF BREAKING & ENTERING, AND (1) COUNT OF ASSAULT & BATTERY

5. What was your plea? (Check one)

(a) Not guilty

(b) Guilty

(c) Nolo contendere

If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury

(b) Judge only

7. Did you testify at the trial?
Yes No

8. Did you appeal from the judgment of conviction?
Yes No

MAGISTRATE JUDGE *52A*

RECEIPT # 500
AMOUNT \$ 5.00
SUMMONS ISSUED NA
LOCAL RULE 4.1 1
WAIVER FORM 1
MCF ISSUED 1
BY DPTY. CLK. M.P.
DATE 6/27/05

9. If you did appeal, answer the following:

(a) Name of court APPEALS COURT OF MASSACHUSETTS

(b) Result CONVICTIONS AFFIRMED

(c) Date of result and citation, if known MARCH 7, 1996, RULE 1:28 DECISION

(d) Grounds raised NURSING DIAGNOSIS THAT COMPLAINT SUFFERED FROM RAPE TRAUMA SYNDROME WAS IMPERMISSIBLE, THE INTRODUCTION OF UNSTANTIATED ALLEGATIONS BY THE COMMONWEALTH PRIMARY WITNESS THAT DEFENDANT HAD BEEN CONVICTED OF A SEX CRIME CONSTITUTED PREJUDICIAL ERROR, AND INEFFECTIVE ASSISTANCE OF COUNSEL

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

(1) Name of court SUPREME JUDICIAL COURT OF MASSACHUSETTS

(2) Result FURTHER APPELLATE REVIEW DENIED.

(3) Date of result and citation, if known _____

(4) Grounds raised _____

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court _____

(2) Result _____

(3) Date of result and citation, if known _____

(4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court SUFFOLK SUPERIOR COURT

(2) Nature of proceeding MOTION FOR NEW TRIAL

(3) Grounds raised 1) HIS TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO SEEK DNA

TESTING; 2) HIS APPELLATE COUNSEL WAS INEFFECTIVE FOR THE ATTORNEY'S

CHOICE AND RESTRICTION OF ISSUES TO RAISE ON THE DIRECT APPEAL; 3) LACK
OF FRESH COMPLAINT INSTRUCTIONS; CONSIDERATION OF UNCHARGED CRIMES AT
SENTENCING; AND DUPLICATIVE AGGRAVATED RAPE CONVICTIONS

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application or motion give the same information:

(1) Name of court SUFFOLK SUPERIOR COURT

(2) Nature of proceeding MOTION FOR NEW TRIAL (NEWLY DISCOVERED EVIDENCE).

(3) Grounds raised DNA TESTING RESULTS WARRANTS AN EVIDENTIARY HEARING OR A MOTION
FOR NEW TRIAL.

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result DENIED WITHOUT A HEARING.

(6) Date of result JANUARY 15, 2003

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes No
(2) Second petition, etc. Yes No

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: CONVICTION OBTAINED BY CRIMINAL ACTS NOT COVERED BY THE INDICTMENTS, IN VIOLATION OF DUE PROCESS & COMPULSORY PROCESS CLAUSE OF 5TH, 6TH & 14TH AMENDMENTS, AND VIOLATION OF ARTICLE 12 MASS., DECLARATION OF RIGHTS.
Supporting FACTS (state briefly without citing cases or law) THE COMMONWEALTH PRESENTED TO THE TRIAL JURY, ADDITIONAL ACTS OF NATURAL SEXUAL INTERCOURSE AND UNNATURAL INTERCOURSE, THAT DESPITE THE FACT THESE ALLEGATIONS WERE PRESENTED TO THE GRAND JURY, THE PETITIONER WAS NOT INDICTED FOR THEM. THIS CREATED A SUBSTANTIAL RISK THAT THE PETITIONER RAPE CONVICTIONS WERE BASED ON ACTS NOT COVERED BY THE INDICTMENTS.

B. Ground two: CONVICTION OBTAINED BY TRIAL JURY NOT UNANIMOUSLY AGREEING TO SPECIFIC ACTS OF CRIMINAL MISCONDUCT.
Supporting FACTS (state briefly without citing cases or law) THE PETITIONER WAS INDICTED FOR ONE COUNT OF AGGRAVATED RAPE (NATURAL SEXUAL INTERCOURSE), AND TWO COUNTS OF AGGRAVATED RAPE (UNNATURAL SEXUAL INTERCOURSE). THE COMPLAINT AT TRIAL, HOWEVER DESCRIBED A TOTAL OF THREE DISCREET RAPES BY MEANS OF UNNATURAL SEXUAL INTERCOURSE, AND FOUR DISCREET ACTS OF RAPE BY MEANS OF NATURAL SEXUAL INTERCOURSE. THE TRIAL JUDGE FAILED TO PROVIDE THE JURY WITH A SPECIFIC UNANIMITY INSTRUCTION, VIOLATING THE PETITIONER'S FEDERAL AND STATE RIGHTS

C. Ground three: TRIAL COUNSEL WAS INEFFECTIVE AT SENTENCING, DUE TO HIS FAILURE TO PROVIDE MERITORIOUS MITIGATING FACTORS.

Supporting FACTS (state *briefly* without citing cases or law) THE SIXTH AMENDMENT ENTITLES EVERY CRIMINAL DEFENDANT TO ASSISTANCE AT ALL CRITICAL STAGES. SENTENCING COUNSEL FAILED TO INFORM MERITORIOUS MITIGATING FACTORS, I.E., THE DEFENDANT'S TROUBLED CHILDHOOD, PETITIONERS MOTHERS RECENT PASSING, HIS MENTAL ILLNESS (ATTENTION DEFICIT DISORDER), HIS WORK HISTORY OR CALL CHARACTER WITNESSES. TRIAL COUNSEL ALSO SUPPLIED THE PETITIONER WITH AN AFFIDAVIT ATTESTING TO HIS EFFECTIVENESS. (SEE THE ATTACHED).

D. Ground four: NEWLY DISCOVERED DNA TESTING RESULTS REQUIRED AT THE VERY LEAST AN EVIDENTIARY HEARING.

Supporting FACTS (state *briefly* without citing cases or law) THE PETITIONER OBTAINED DNA TESTING RESULTS IN SEPTEMBER OF 2000, INDICATING THAT HE WAS EXCLUDED AS THE DONOR OF A SEMEN STAIN ON THE TOWEL USED IN THE SEXUAL ASSAULT, BUT COULD NOT BE EXCLUDED AS THE DONOR OF THE SEMEN FOUND INSIDE A CONDOM USED DURING THE ASSAULT. PETITIONER FEELS THAT HE IS ENTITLED TO A EVIDENTIARY HEARING TO ARGUE FOR A NEW TRIAL AND CHALLENGE THE JUDGES FINDINGS THAT

THE SEMEN ON TOWEL COULD HAVE CAME FROM TOW OTHER SOURCES AND OFFER HIS OWN SCIENTIFIC FINDINGS OR DOCTOR ON THE VALIDITY OF THE MATCH (CONDOM).

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: GROUND F, WAS NOT RAISED IN FEDERAL COURT BECAUSE THE PETITIONER WAS NOT ADEQUATELY ADVISED ABOUT THE TIME LIMITATIONS BY HIS APPELLATE COUNSEL AND AT THE TIME HE LACKED LEGAL KNOWLEDGE TO LITIGATE THE ISSUE.

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing BRUCE R. TAUB, 59 TEMPLE PLACE, SUITE 402, BOSTON, MA 02111

(b) At arraignment and plea (SAME)

ADDITIONAL GROUNDS

E. GROUND FIVE: THE COMMONWEALTH PROVIDED THE SENTENCING JUDGE WITH INACCURATE AND MISLEADING INFORMATION CONCERNING THE PETITIONERS CRIMINAL RECORD AND USED A PRIOR CONVICTION AGAINST THE PETITIONER LATER DECLARED INVALID.

SUPPORTING FACTS: DURING SENTENCING THE COMMONWEALTH PROVIDED THE TRIAL COURT WITH INFORMATION CONCERNING A LARCENY CHARGE (CONTINUED WITHOUT A FINDING) OF ROXBURY DISTRICT COURT. SEE PETITIONERS TR.5-21-23. THE COMMONWEALTH INFORMED THE COURT THAT THE PETITIONER WAS ARRESTED FOR CASE DURING A BREAKING & ENTERING. THIS STATEMENT WAS INCORRECT BECAUSE THE PETITIONER TURNED HIMSELF INTO THE POLICE. THIS CONVICTION FURTHERMORE, WAS DISMISSED AGAINST THE PETITIONER SUBSEQUENTLY. DUE PROCESS WOULD REQUIRE RE-SENTENCING IF THE SENTENCING JUDGE TOOK INTO CONSIDERATION A "CONVICTION" LATER DECLARED INVALID, OR RELIED UPON INFORMATION WHICH WAS INACCURATE OR MISLEADING. THE PETITIONERS TRANSCRIPTS INDICATE THAT HE TOOK ALL THIS INFORMATION INTO CONSIDERATION, THE TRIAL COURT STATED "SO IN DISPOSING OF THIS CASE, I JUST WANT YOU ALL TO UNDERSTAND THAT I HAVE TAKEN ALL OF THOSE FACTORS INTO CONSIDERATION." TR.5-27.

F. GROUND SIX: TRIAL COUNSEL WAS INEFFECTIVE DUE TO HIS FAILURE TO TIMELY OBJECT TO THE PETITIONERS JUROR POOL.

SUPPORTING FACTS: THERE WERE ONLY THREE AFRICAN-AMERICANS IN THE JUROR POOL, AND NONE WERE QUESTIONED OR SEATED FOR TRIAL TR.1-190. THE TRIAL JUDGE MAKES A NOTE ON THE RECORD OF THE TIMELINESS OF DEFENSE COUNSEL'S OBJECTION TR.1-191. UNDER MASSACHUSETTS LAW, A CHALLENGE TO THE COMPOSITION OF THE JURY SHALL BE MADE BEFORE ANY INDIVIDUAL JUROR IS EXAMINED. AS A RESULT OF TRIAL COUNSEL'S FAILURE TO TIMELY OBJECT TO THE JUROR POOL, THE DEFENDANT WAS TRIED BY AN ALL WHITE JURY. THIS IS PARTICULARLY SIGNIFICANT BECAUSE THE PETITIONER IS BLACK, AND THE VICTIM WAS WHITE.

(c) At trial (SAME)(d) At sentencing (SAME)(e) On appeal JULIE ANN BOYDEN, P.O.BOX 988, EASTON, MA 02334(f) In any post-conviction proceeding DNA TESTING MATTER, DAVID KELSTON AND NOAH ROSMARIN
90 CANAL STREET, 5TH FLOOR, BOSTON, MA 02114(g) On appeal from any adverse ruling in a post-conviction proceeding SANDRA BLOOMENTHAL, 445 OLD
KINGS HIGHWAY RT. 6A, P.O.BOX 870, E SANDWICH, MA 02537

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

6/13/05
(date)Kein Marie_____
Signature of Petitioner

AFFIDAVIT

I, Bruce R. Taub, being duly sworn, do hereby depose and state as follows:

- 1) I am an attorney in good standing in the Commonwealth of Massachusetts. I represented Kevin Norris in Commonwealth v. Norris, 91SUCR25197-001-009, including trial representation, following which Mr. Norris was convicted of armed robbery and aggravated rape.
- 2) After reflecting on my representation of Mr. Norris at trial and sentencing, I believe Mr. Norris might have benefited from my interviewing members of his family to testify at sentencing on his behalf and from a more thorough investigation into his background for mitigating factors.
- 3) I believe Mr. Norris's sentence of 25-40 years to be extremely harsh and excessive, exceeding the old and new sentencing guidelines for someone with no prior convictions.
- 4) I believe the defendant's unwillingness to plead guilty, the race and class of the victim and of the defendant, and the presence of the victim's family in the courtroom may have fueled the trial judge's perception that a very severe sanction was warranted.
- 5) In my years of practicing criminal law in the Commonwealth I am unaware of a comparable sentence being given to a defendant with no prior criminal record who was a teenager at the time of his crime.
- 6) I believe in the interest of justice and fairness Mr. Norris sentence should be revised to reflect a sentence that is appropriate and within the sentencing guidelines.

Signed under the pains and penalties of perjury this

23 rd

day



Bruce R. Taub

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN NORRIS VS. STEVEN O'BRIEN

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY)

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 680, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

*Also complete AO 120 or AO 121
for patent, trademark or copyright cases

05-11353 MLW

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

N/A

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME KEVIN NORRIS (INMATE PRO SE)

ADDRESS P.O. BOX 466, GARDNER, MA 01440

TELEPHONE NO. _____

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS NCCI KEVIN NORRIS P.O. BOX 446, GARDNER, MA 01440 (b) County of Residence of First Listed Plaintiff <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>		DEFENDANTS STEVEN O'BRIEN, SUPERINTENDENT & THOMAS F. REILLY, ATTORNEY GENERAL <small>County of Residence of First Listed Defendant</small> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>			
(c) Attorney's (Firm Name, Address, and Telephone Number) PRO SE		<small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</small> Attorneys (If Known) OFFICE OF THE ATTORNEY GENERAL ONE ASHBURTON PLACE, BOSTON, MA 02108-1698			
II. BASIS OF JURISDICTION <small>(Place an "X" in One Box Only)</small>		III. CITIZENSHIP OF PRINCIPAL PARTIES <small>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</small>			
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		<small>PTF DEF</small> Citizen of This State <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4			
<input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity <small>(Indicate Citizenship of Parties in Item III)</small>		<small>PTF DEF</small> Citizen of Another State <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6			
IV. NATURE OF SUIT <small>(Place an "X" in One Box Only)</small>					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	FORFEITURE/PENALTY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	BANKRUPTCY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	OTHER STATUTES <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	
				PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
V. ORIGIN <small>(Place an "X" in One Box Only)</small>				<small>Appeal to District Judge from Magistrate Judgment</small>	
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court		<input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation			
VI. CAUSE OF ACTION <small>Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):</small> <small>Brief description of cause: 28 U.S.C. § 2254 (HABEAS CORPUS, PERSON IN STATE CUSTODY)</small>					
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		<small>DEMAND \$</small> <small>CHECK YES only if demanded in complaint:</small> <small>JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</small>	
VIII. RELATED CASE(S) IF ANY <small>(See instructions):</small>		<small>JUDGE</small>		<small>DOCKET NUMBER</small>	
<small>DATE</small> <small>SIGNATURE OF ATTORNEY OF RECORD</small>					

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING JFP	JUDGE	MAG. JUDGE
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
MR. TONY ANASTAS, CLERK
U.S. COURTHOUSE
ONE COURTHOUSE WAY
BOSTON, MA 02110

KEVIN NORRIS W-52945
P.O.BOX 466
GARDNER, MA 01440

RE: FILING OF 28 U.S.C. § 2254 (HABEAS CORPUS PETITION)

05-11353MLW

JUNE 13, 2005

DEAR CLERK ANASTAS:

PLEASE FIND ENCLOSED HEREIN A COPY OF THE PETITIONERS:

- 1) TWO COPIES OF THE PETITION AND THE ORIGINAL;
- 2) APPLICATION TO PROCEED WITHOUT PAYMENT, WITH SIX MONTH STATEMENT;
- 3) CIVIL ACTION COVER SHEET;

IF ANY FORM IS MISSING OR NEEDED FOR FILING PLEASE INFORM ME. I THANK YOU IN ADVANCE FOR YOUR KIND ATTENTION TO THIS MATTER.

SINCERELY,
Kevin Norris
KEVIN NORRIS